

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAMAN DEVAUGH SNEDECAR,

Defendant-Appellant.

UNPUBLISHED

November 29, 2005

No. 255943

Wayne Circuit Court

LC No. 04-001682-01

Before: Smolenski, P.J., and Schuette and Borrello, JJ.

MEMORANDUM.

Defendant appeals as of right from jury convictions of felon in possession of a firearm, MCL 750.224f(2), possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v), possession of marijuana, MCL 333.7403(2)(d), and possession of a firearm during the commission of a felony, MCL 750.227b(1). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole claim on appeal is that the trial court erred in admitting evidence that he was a drug dealer because it was not relevant to prove possession of the firearm. The trial court's ruling regarding the admission of evidence is reviewed for an abuse of discretion. *People v Hine*, 467 Mich 242, 250; 650 NW2d 659 (2002).

The testimony that defendant sold marijuana was not introduced to prove that he possessed the firearm at issue. Rather, it was introduced to prove that he possessed the marijuana found in the witness' apartment. For that purpose, the evidence was highly relevant and not unfairly prejudicial. *People v Vasher*, 449 Mich 494, 501; 537 NW2d 168 (1995); *People v Meadows*, 175 Mich App 355, 361; 437 NW2d 405 (1989). While the evidence was not admissible to prove possession of the firearm, evidence that is admitted for one purpose is not inadmissible because its use for a different purpose is precluded. *Westland v Okopski*, 208 Mich App 66, 71; 527 NW2d 780 (1994). In any event, given defendant's statement to the police that he intended to sell another controlled substance, it is unlikely that testimony that defendant was a drug dealer was outcome determinative, and thus relief is not warranted. *People v Whittaker*, 465 Mich 422, 427; 635 NW2d 687 (2001); *People v Lukity*, 460 Mich 484, 495-496; 596 NW2d 607 (1999).

Affirmed.

/s/ Michael R. Smolenski

/s/ Bill Schuette

/s/ Stephen L. Borrello